

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAYDEANE FRANCIS ELL,

Petitioner,

v.

JASON BENNETT,

Respondent.

Case No. C24-1393-TSZ-MLP

ORDER TO SHOW CAUSE

Petitioner Jaydeane Francis Ell has submitted to the Court for consideration a proposed petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and an application to proceed with this federal habeas action *in forma pauperis* (“IFP”). (Dkt. ## 1, 1-1.) Petitioner’s IFP application purports to include a certification from the Stafford Creek Corrections Center, where he is currently housed, stating the current balance of his prison trust account is \$0. (Dkt. # 1 at 2.) It appears, however, that Petitioner erroneously filled out and signed this portion of the IFP application, which states it must be filled out and certified by the institution. (*See id.*) Petitioner also submitted a certified prison trust account statement showing he has average monthly receipts of \$60.90 and an average spendable balance of \$68.55. (Dkt. # 1-2.) While the information is conflicting, it appears Petitioner has funds sufficient to pay the \$5.00 filing fee.

1 Accordingly, the Court will require that Petitioner pay the filing fee or provide the Court with an  
2 explanation as to why he cannot.

3 Based on the foregoing, the Court hereby ORDERS as follows:

4 (1) Petitioner shall SHOW CAUSE, not later than **October 15, 2024**, why his IFP  
5 application should not be denied. In the alternative, Petitioner may pay the \$5.00 filing fee before  
6 that date. Petitioner is advised that his failure to show cause or to pay the requisite filing fee by  
7 the date set forth above shall be deemed a failure to properly prosecute this matter and the Court  
8 will recommend this action be dismissed.

9 (2) The Clerk is directed to re-note Petitioner's IFP Application (dkt. # 1) for  
10 consideration on **October 18, 2024**. The Clerk is further directed to send copies of this Report  
11 and Recommendation to the parties and to the Honorable Thomas S. Zilly.

12 Dated this 12th day of September, 2024.

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14 MICHELLE L. PETERSON  
15 United States Magistrate Judge  
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